

McWhorter, Scott

From: TenBrook, Patti
Sent: Friday, February 12, 2016 12:00 PM
To: Taylor, Katherine
Subject: FW: Secret phone recording of Dept. of Agriculture officials.....Formal request to open an investigation into the Hawaii Department of Agriculture
Attachments: TranscriptPesticideMatsuda-2.txt

[Want to be sure you're seeing this....](#)

Patti L. TenBrook, Ph.D.
Life Scientist, Acting Manager
U.S. EPA Region 9, LND-2-2
75 Hawthorne St.
San Francisco, CA 94105
415-947-4223

From: bradedward@aol.com [mailto:bradedward@aol.com]
Sent: Thursday, February 11, 2016 10:10 PM
To: robert.sk.lee@hawaii.gov; TenBrook, Patti ; Rodriguez, Roberto
Cc: tim.sandler@nbcuni.com; james_chang@schatz.senate.gov; tommy@mauitime.com; editor@mauitime.com; thurley@staradvertiser.com; news@civilbeat.com; news@hawaiinewsnow.com; news@hawaiipublicradio.org; news@kitv.com
Subject: Secret phone recording of Dept. of Agriculture officials.....Formal request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr. Lee,

I wanted to let you know that tomorrow I will be publicly releasing the attached transcript of a phone recording between myself and Thomas Matsuda, which corroborates some of the allegations that I listed below. In it he clearly states that he is not willing to stop pesticide label violations that he knows are happening on a widespread level across the state. I have the original voice recordings that can be used to verify the transcripts.

Once again, I look forward to hearing back from the Governor about what steps he is willing to take to correct this situation affecting every island in Hawaii. The transcript I will be releasing is the least alarming of the 8 transcripts that I currently possess. The other transcripts cover other areas that the people of Hawaii have entrusted to the DOA to properly regulate. What they contain is even more appalling than this transcript.

I have cc'd the Region 9 EPA to this email and this will be the first time they are actually able to view one of the transcripts that I have. I look forward to hearing how they are able to respond to this new development.

Feel free to let me know if there is anything that the Governor's Office is willing to do to protect public safety and limit the State of Hawaii's liability on this issue. I reiterate the call for the Governor to immediately open up an investigation into the Department of Agriculture. And as I indicated several weeks ago, I would love to meet with the Governor to discuss this issue further.

Mahalo,
Brad Edwards
Hawaii Opposition to Pesticide Exposure

-----Original Message-----

From: Lee, Robert SK <robert.sk.lee@hawaii.gov>
To: bradedward <bradedward@aol.com>

Sent: Wed, Feb 10, 2016 11:22 am
Subject: RE: Request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr Edwards,

To ensure that the integrity of our staff processes are utilized, as the appointed (by the Governor) official representative of the island of Maui, Ms Belmonte must be brought into the process. Every piece of information has been received and passed to Ms Belmonte for action. This action of involving Ms Belmonte does not detract from the seriousness of your concerns, it enhances the coordination of processing your request, ultimately.

Chair Enright has been notified of your position and concerns. He is investing his energy into your statements of concern and is working with his constituents and staff collectively.

Ms Belmonte will be at your service and I will provide her reach back capability to Oahu.

Mahalo for your kind understanding and support.

Rob

Chief Protocol Officer
Deputy Military Affairs Liaison
Office of the Governor – State of Hawai'i
415 South Beretania Street
Honolulu, Hawai'i 96813
Email: robert.sk.lee@hawaii.gov
Primary Phone: 808.772.2007 (Cell)
Direct Line: 808.586.0217 (Office)

"The world will turn to Hawai'i as they search for world peace because Hawai'i has the key.....and that key is ALOHA" – Auntie Pilahi Paki

From: bradedward@aol.com [<mailto:bradedward@aol.com>]
Sent: Wednesday, February 10, 2016 10:40 AM
To: Lee, Robert SK <robert.sk.lee@hawaii.gov>
Cc: Belmonte, Leah M <leah.m.belmonte@hawaii.gov>; mraker@ap.org; mirandajohnson@economist.com
Subject: Re: Request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr. Lee,

I am confused. I just sent you a list of serious allegations of improper conduct related to the State of Hawaii Department of Agriculture. While I welcome Ms. Belmonte into the conversation, passing this off to the Governor's Representative on Maui is not appropriate.

The allegations I made are serious. Did Scott Enright and Thomas Matsdua verify the accuracy of my allegations when you spoke with them? Have you informed Governor Ige of these allegations?

If Governor Ige is not willing to get involved himself please just say so and we can go from there. But this is more than a Maui issue.....it involves the top two people at the State DOA and exposes the state to a tremendous amount of potential liability.

I would like to know the following:

- Have Mr. Enright, Mr. Matsuda, and Mr. Chin have been notified of the allegations that I listed below, and if so, what was their response?

- Is the Governor willing to immediately direct the Department of Agriculture to proactively test Paia Elementary School for herbicide and pesticide contamination?

Mahalo,
Brad Edwards

-----Original Message-----

From: Lee, Robert SK <robert.sk.lee@hawaii.gov>
To: bradedward <bradedward@aol.com>
Cc: Belmonte, Leah M <leah.m.belmonte@hawaii.gov>
Sent: Wed, Feb 10, 2016 9:57 am
Subject: RE: Request to open an investigation into the Hawaii Department of Agriculture

Aloha & Good Morning Mr Edward,

Please allow me to introduce to you, Ms Leah Belmonte (cc'd on this email)

Ms Belmonte is the official Maui Representative for the Office of the Governor, and is located there on the Valley Isle.

In the spirit of properly aligning our process, having Ms Belmonte involved in your concerns will provide continued continuity to the Office of the Governor.

I will support and assist Ms Belmonte as this process moves forward.

Have a great day!

Rob

Chief Protocol Officer
Deputy Military Affairs Liaison
Office of the Governor – State of Hawai'i
415 South Beretania Street
Honolulu, Hawai'i 96813
Email: robert.sk.lee@hawaii.gov
Primary Phone: 808.772.2007 (Cell)
Direct Line: 808.586.0217 (Office)

"The world will turn to Hawai'i as they search for world peace because Hawai'i has the key.....and that key is ALOHA" – Auntie Pilahi Paki

From: bradedward@aol.com [<mailto:bradedward@aol.com>]
Sent: Tuesday, February 09, 2016 12:27 PM
To: Lee, Robert SK <robert.sk.lee@hawaii.gov>
Cc: bradedward@aol.com
Subject: Re: Request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr. Lee,

Thank you for the response. Every one of the assertions that I included below can be verified by calling Scott Enright, Thomas Matsuda, and Lester Chin. If they contradict or deny any of my assertions please let me know and I will provide

documentation to back up my claims. But all it should take is a phone call to each of them and they should be able to confirm the accuracy of what is claimed below.

Once again, please let me know if they deny any of these claims so I can immediately respond with documentation that proves otherwise. I look forward to hearing how the Governor can intervene to address this developing situation.

Mahalo,
Brad Edwards
Hawaii Opposition to Pesticide Exposure

-----Original Message-----

From: Lee, Robert SK <robert.sk.lee@hawaii.gov>

To: bradedward <bradedward@aol.com>

Sent: Tue, Feb 9, 2016 9:20 am

Subject: RE: Request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr Edward,

Mahalo for your email.

I will be following up with our Department of Health as well as circling back with our Department of Agriculture.

I ask again, can you provide me your data/documentation that I can use to move forward? I clearly understand your position and in doing my own due diligence, I am trying to collect as much unbiased validated data representing both sides so I can assist in assuring this concern gets the proper vector.

Please advise.

Rob

Chief Protocol Officer
Deputy Military Affairs Liaison
Office of the Governor – State of Hawai'i
415 South Beretania Street
Honolulu, Hawai'i 96813
Email: robert.sk.lee@hawaii.gov
Primary Phone: 808.772.2007 (Cell)
Direct Line: 808.586.0217 (Office)

"The world will turn to Hawai'i as they search for world peace because Hawai'i has the key.....and that key is ALOHA" – Auntie Pilahi Paki

From: bradedward@aol.com [<mailto:bradedward@aol.com>]

Sent: Monday, February 08, 2016 6:18 PM

To: Lee, Robert SK <robert.sk.lee@hawaii.gov>

Cc: mriker@ap.org; thurley@staradvertiser.com

Subject: Request to open an investigation into the Hawaii Department of Agriculture

Aloha Mr. Lee,

I wanted to provide you with a copy of my testimony to the House Ag committee on tomorrow's bill regarding Buffer Zones. I also wanted to formally request that Governor Ige open up an investigation into the Hawaii Department of Agriculture for some of the reasons that I detailed below.

There are serious questions about the conduct of several staff members, most notably Thomas Matsuda and Lester Chin. In addition, it appears that the Director, Scott Enright, was never informed of the fact that multiple homes were testing positive for herbicides and RUP's on Maui (and probably on other islands as well). Mr. Enright stated himself that he was unaware of any of the positive test results, which means that Thomas Matsuda withheld those results from him for 2 years. In addition, the Department of Agriculture withheld those important lab results when testifying in front of House and Senate Committees last year on a buffer zone bill....a decision that may have effected the outcome of government legislation. An immediate, independent investigation is warranted. Why did the Department of Agriculture choose to keep these lab results secret when they directly related to the bill that they were called to address?

It is also very important to note that the Governor's office should immediately inform residents of Paia of the possibility of herbicide and RUP contamination in their homes, based on the results of test that have come back positive over the past 4 years. The State Toxicologist is on record stating that she did not know about the contamination of homes in Paia and that she would recommend people wash down the inside surfaces of their homes. Parents have repeatedly requested that the State Dept. of Agriculture proactively test Paia Elementary School, but Thomas Matsuda and his department have refused to do so. Our group has arranged for testing around Paia school but that does not mean that the state should not conduct their own testing as well.

I have spoken with you twice over the past 3 weeks asking for the Governor to intervene and have yet to receive a substantive response.

Mahalo,
Brad Edwards
Hawaii Opposition to Pesticide Exposure

Aloha,

My name is Brad Edwards and I represent the group HOPE, Hawaii Opposition to Pesticide Exposure. We have over 700 members in Hawaii and have been active in the area of pesticide use and regulation in Hawaii.

The Hawaii Department of Agriculture has tested multiple homes in Paia and found 6 different herbicides present including the Restricted Use Pesticide Atrazine. They never closed the case, never issued any citations, never warned surrounding homes, never advised residents how to decontaminate their homes, and they never notified the State Toxicologist to assess the health risks of residents being exposed. To this day, none of the residents in the town of Paia have been informed of the fact that many of their neighbors have pesticide residues in their homes and are being exposed on a daily basis. Pam Cooper, the Director of the EPA Region 9 Pesticides Division out of California, said in December of last year that there are no tolerance levels for residue that results from drift.

In December 2015, a Maui resident filed a complaint with Lester Chin, the Hawaii DOA inspector on Maui, when he was oversprayed by a HC&S tractor while driving to work on Hana Highway. At least two other residents contacted Lester Chin that day regarding overspray from the same tractor. Due to physical symptoms, the man ended up at Kaiser with his doctor requesting several tests. When the man called Lester Chin to inform him that his doctor needed to know what was in the spray mixture, Lester Chin said that he did not know. More importantly, Lester Chin is on record in what appears to be an attempt to convince the patient not to have the tests completed, repeatedly citing how much it might cost the man.

I have had multiple conversations with both Scott Enright and Thomas Matsuda about the positive test results in Paia as well as their procedures and protocols for regulating pesticide use in Hawaii. I have also been in regular communication with the EPA in California and they indicated that Hawaii DOA is now on their "watch list" and that they have stepped up federal oversight of the Hawaii Dept. of Agriculture.

The Director to the Hawaii Department of Agriculture Pesticides Unit, Thomas Matsuda, has still not closed any of the cases in Paia Maui even though many of them date back almost 5 years. He is also on record stating that there is no need to warn people whose homes were oversprayed while they were not home, giving the reason what they don't know won't hurt them. He stated that a home would have to get a direct concentrated shot of pesticides into their house for it to be concerning. It is alarming that this person is the one in charge of regulating pesticides here in Hawaii.

More importantly, Thomas Matsuda chose NOT to inform the State Toxicologist, Dr. Barbara Brooks, of the homes that were testing positive in Paia. When notified by me of the positive test results, Dr. Brooks was surprised, stating that the DOA never informed her of the results. This resulted in her not being able to assess the possible health effects on residents and children in those homes.

In addition, Thomas Matsuda never informed the Director of the Department of Agriculture, Scott Enright, that multiple homes on Maui have tested positive for chemical contamination. Scott Enright is actually on record stating that Thomas Matsuda NEVER informed him of the positive test results. And Mr. Enright is also on record stating that the applicator in these open cases still has not been notified that homes are testing positive, which would imply that they have had no opportunity to make any necessary changes. However, that assertion by Mr. Enright may actually be incorrect as the applicator (HC&S) now preemptively calls some of those homeowners to warn them when they are spraying in the area.

Parents have requested that the Dept. of Agriculture proactively test Paia Elementary School in Paia due to the close proximity of multiple homes testing positive for herbicides and RUP's in the past 5 years. However, Thomas Matsuda with the Dept. of Agriculture is refusing to allow the school to be tested, so students are continuing to attend that school and potentially being exposed to residues of Atrazine, Hexazinone, Dicamba, Diuron, Pendimethalin, Ametry, and 2-4D.

The California Region 9 EPA Federal office is now actively pressing the Hawaii Department of Agriculture on this issue and has stepped up their involvement and monitoring of this developing situation.

On 2/19/15 Scott Enright testified in front of the House Agricultural Committee on the Pesticide Buffer Zone bill (HB 1514 <https://www.youtube.com/watch?v=s7gUJwUVGfc>). In his testimony (at 2:34:00), he claimed that pesticide drift could be controlled, and implied that it was not a problem. During all of his testimony he failed to disclose to the House Ag Committee that multiple homes were testing positive for pesticide drift. Thomas Matsuda's decision to withhold the information regarding positive test results from Scott Enright may have influenced the outcome of that legislation. Thomas Matsuda's choice to withhold the positive test results from state legislatures should immediately be investigated.

Governor Ige is aware that this information was withheld from the committees and his office (Robert Lee and Governor Ige's Chief of Staff) is looking into the matter. Governor Ige is also aware that multiple homes in Paia, Maui have tested positive for 6 different herbicides and RUP's and is looking into how he wants to address the matter. The Governor is also aware of the fact that residents have been requesting to have Paia school tested and that the Dept. of Agriculture is refusing to do so. The Governor has been informed that we have students attending an elementary school that is potentially contaminated with herbicide and pesticide residues and will hopefully be using his power to quickly address this important public health issue.

Calls are growing for an independent investigation of the Hawaii Department of Agriculture, Pesticides Branch for failing to investigate the multiple pesticide overspray cases in a timely manner, for failing to inform the State Toxicologist, Dr. Brooks, of the positive test results, and for withholding information about positive test results from the House Ag Committee last year.

In light of the lack of oversight and enforcement by the Hawaii Dept. of Agriculture, this bill is a vital step in helping to protect the health of the public and of our children. I encourage you to pass this bill and to open up an investigation into the Hawaii Department of Agriculture and Thomas Matsuda with the Pesticides Branch.

Mahalo,
Brad Edwards
MS Environmental Science and Management
Co-Founder Hawaii Opposition to Pesticide Exposure (HOPE)